



Patent
Attorney Docket No. 032,290-090
(formerly 412692000401)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sirimanne

Serial No.: 09/805,652

Filed: March 13, 2001

For: SUBCUTANEOUS CAVITY
MARKING DEVICE AND METHOD

Group Art Unit: 3737

Examiner: William C. Jung

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-SB/08a and PTO-SB/08b. In accordance with §1.98(d), copies of some or all of the references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in one or more of the prior U.S. Applications: U.S. Application Serial No. 09/220,618, filed December 24, 1998, now abandoned; U.S. Application Serial No. 09/285,329, filed April 2, 1999, now U.S. Patent No. 6,356,782; U.S. Application Serial No. 09/347,185, filed July 2, 1999, now U.S. Patent No. 6,371,904; U.S. Application Serial No. 09/869,282, filed June 18, 2002; U.S. Application Serial No. 10/114,712, filed April 1, 2002; U.S. Application Serial No. 10/960,618, filed October 6, 2004; U.S. Application Serial No. 10/960,622, filed October 6, 2004; U.S. Application Serial No. 10/961,979, filed October 8, 2004; U.S. Application Serial No. 10/961,491, filed October 7, 2004; and U.S.

CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class mail in an envelope addressed to the Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

October 12 2005
Date of Deposit
NB1:665827.1

Cynthia B. Pacheco
Cynthia B. Pacheco

Application Serial No. 10/961,581, filed October 8, 2004. Copies of the references can be provided at the request of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.



Patent
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(formerly 41269000401)

Statement Under 37 CFR § 1.97(e):

- ☐ Each item contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of \$180.00 is enclosed for the above fee(s).
- ☐ Please charge \$180.00 to Deposit Account No. **50-2862** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to O'Melveny and Myers' Deposit Account No. **50-2862**.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: October 12, 2005

By: Diane K. Wong
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Attorneys for Applicant

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Substitute for form 1449A-PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application No.	09/805,652
Filing Date	March 13, 2001
First Named Inventor	Sirimanne
Art Unit	3737
Examiner Name	William C. Jung
Attorney Docket No.	032,290-090 (formerly 412692000401)

Sheet	1	of	5
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U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Document No.	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	us-2,609,347	09/1952	Wilson	
	2.	us-2,653,917	09/1953	Hammon	
	3.	us-2,659,935	11/1953	Hammon	
	4.	us-2,664,366	12/1953	Wilson	
	5.	us-2,664,367	12/1953	Wilson	
	6.	us-2,846,407	08/1958	Wilson	
	7.	us-3,001,522	09/1961	Silverman	
	8.	us-3,194,239	07/1965	Sullivan	
	9.	us-3,592,185	07/1971	Frei,	
	10.	us-3,823,212	07/1974	Chvapil	
	11.	us-3,844,272	10/1974	Banko	
	12.	us-4,087,791	05/1978	Lemberger	
	13.	us-4,197,846	04/1980	Bucalo	
	14.	us-4,298,998	11/1981	Naficy	
	15.	us-4,320,201	03/1982	Alexandrov	
	16.	us-4,356,572	11/1982	Guellemine	
	17.	us-4,541,438	09/1985	Parker	
	18.	us-4,682,606	07/1987	DeCaprio	
	19.	us-4,693,237	09/1987	Hoffman	
	20.	us-4,735,210	04/1988	Goldenberg	
	21.	us-4,735,796	04/1988	Gordon	
	22.	us-4,744,364	05/1988	Kensey	
	23.	us-4,789,401	12/1988	Ebinger	
	24.	us-4,832,686	05/1989	Anderson	
	25.	us-4,909,250	03/1990	Smith	
	26.	us-4,970,298	11/1990	Silver	
	27.	us-5,002,548	03/1991	Campbell	
	28.	us-5,018,530	05/1991	Rank	

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sheet	2	of	5
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		Number-Kind Code ² (if known)			
	29.	us-5,041,826	08/1991	Milheiser	
	30.	us-5,101,827	04/1992	Goldenberg	
	31.	us-5,111,828	05/1992	Kornberg	
	32.	us-5,114,703	05/1992	Wolf	
	33.	us-5,120,802	06/1992	Mares	
	34.	us-5,127,916	07/1992	Spencer	
	35.	us-5,148,813	09/1992	Bucalo	
	36.	us-5,183,463	02/1993	Debbas	
	37.	us-5,192,300	03/1993	Fowler	
	38.	us-5,195,540	03/1993	Shiber	
	39.	us-5,195,988	03/1993	Haaga	
	40.	us-5,197,484	03/1993	Kornberg	
	41.	us-5,204,382	04/1993	Wallace	
	42.	us-5,221,269	06/1993	Miller	
	43.	us-5,300,120	04/1994	Knapp	
	44.	us-5,353,804	10/1994	Kornberg	
	45.	us-5,433,751	07/1995	Inoteb	
	46.	us-5,437,279	08/1995	Gray	
	47.	us-5,482,040	01/1996	Martin, Jr.	
	48.	us-5,496,536	03/1996	Wolf	
	49.	us-5,507,813	04/1996	Dowd	
	50.	us-5,511,566	04/1996	Brand	
	51.	us-5,546,957	08/1996	Heske	
	52.	us-5,555,885	09/1996	Chance	
	53.	us-5,560,373	10/1996	De Santis	
	54.	us-5,579,766	12/1996	Gray	
	55.	us-5,582,172	12/1996	Papisov	
	56.	us-5,595,177	01/1997	Mena	

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	57.	us-5,626,611	05/1997	Liu	
	58.	us-5,665,063	09/1997	Roth	
	59.	us-5,674,288	10/1997	Knapp	
	60.	us-5,697,902	12/1997	Goldenberg	
	61.	us-5,716,404	02/1998	Vicante	
	62.	us-5,725,578	03/1998	Knapp	
	63.	us-5,732,704	03/1998	Thurston	
	64.	us-5,776,093	07/1998	Goldenberg	
	65.	us-5,776,094	07/1998	Goldenberg	
	66.	us-5,803,913	09/1998	Khalkhali	
	67.	us-5,807,581	09/1998	Rosenblatt	
	68.	us-5,810,806	09/1998	Ritchart	
	69.	us-5,817,033	10/1998	De Santis	
	70.	us-5,855,609	01/1999	Knapp	
	71.	us-5,857,463	01/1999	Thurston	
	72.	us-5,868,778	02/1999	Gershony	
	73.	us-5,869,080	02/1999	McGregor	
	74.	us-5,895,395	04/1999	Yeung	
	75.	us-5,895,640	04/1999	Khalkhali	
	76.	us-5,899,865	05/1999	Chance	
	77.	us-5,913,857	06/1999	Ritchart	
	78.	us-5,922,024	07/1999	Janzen	
	79.	us-5,941,890	08/1999	Voegele	
	80.	us-5,941,910	08/1999	Schindler	
	81.	us-5,970,986	10/1999	Bolz	
	82.	us-5,977,431	11/1999	Knapp	
	83.	us-5,997,468	12/1999	Wolff	
	84.	us-6,066,325	05/2000	Wallace	

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Sheet

4

of

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U.S. PATENT DOCUMENTS

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	85.	us-6,083,522	07/2000	Chu	
	86.	us-6,092,009	07/2000	Glover	
	87.	us-6,162,192	12/2000	Cragg	
	88.	us-6,340,367	01/2002	Stinson	
	89.	us-6,347,241	02/2002	Burbank	
	90.	us-2002/0107437	8/2002	Sirimanne	
	91.	us-2004/0193044	9/2004	Burbank	

FOREIGN PATENT DOCUMENTS

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	92.	DE-935625	05/1955			
	93.	EP-0146699	07/1985			
	94.	EP-0255123	02/1988			
	95.	EP-0293605	12/1988			
	96.	EP-0350043	01/1990			
	97.	EP-0481685	04/1992			
	98.	GB-2132091	07/1984			
	99.	WO-9015576	12/1990			
	100.	WO-9319803	10/1993			
	101.	WO-9809247	10/1998			
	102.	WO-9843090	10/1998			
	103.	WO-9852616	11/1998			
	104.	WO-9852617	11/1998			
	105.	WO-9925248	05/1999			
	106.	WO-9946284	09/1999			
	107.	WO-0038579	07/2000			

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Attorney Docket No.	032,290-090 (formerly 412692000401)				
Sheet	5	of	5		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s) volume-issue number(s), publisher, city and/or country where published	T ²
	108.	HACHISU, et al., "Endoscopic Clip-Marking of Lesions Using the Newly Developed HX-3L Clip," <i>Surgical Endoscopy</i> (1989) Vol. 3, pp. 142-147	
	109.	FOURNIER, C. et al., "Experimental Studies and Preliminary Clinical Trial of Vinorelbine-loaded Polymeric Bioresorbable Implants for the Local treatment of Solid Tumors," <i>Cancer Research</i> , (1991) 51:5384-5391	
	110.	HOFMAN, "Biodegradable Implants in Orthopaedic Surgery – A Review on the State-of-the-Art," <i>Clinical Materials</i> (1992) 10:75-80	
	111.	PANGMAN, "The Use of Plastic Prosthesis in Breast Plastic and Other Soft Tissue Surgery," <i>The Western Journal of Surgery, Obstetrics and Gynecology</i> , (August 1995) 508	
	112.	CLARKSON, "Sponge Implants for Flat Breasts," <i>Proceedings of the Royal Society of Medicine</i> , (1960) Vol. 53: 880-881	

Examiner Signature	Date Considered	
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.</p> <p>This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p>		
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